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10/017,831	12/07/2001	Joseph A. Manico	83565SLP	5035

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EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/017,831

Applicant(s)

MANICO ET AL.

Examiner

James M Hannett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-21, and 23-25 is/are rejected.
- 7) ☒ Claim(s) 2 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/7/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Drawings***

The drawings are objected to because The Figures are hand drawn. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**1:** Claims 1, 3, 4, 8, 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,429,923 Ueda et al.

**2:** As for Claim 1, Ueda et al teaches on Column 1, Lines 26-35 and depicts in Figure 1, 2, and 9 a method of digitizing an image, comprising the steps of: The examiner views the process of a company installing the photographic processing apparatus in a photo-shop as a service provider transporting a portable imaging system from a first location to a second location. Ueda et al teaches on Column 36, Lines 43-60 that a customer will enter a photo-shop with photographs, negatives, and PC memory cards, etc with images on them which they want to be developed. This is viewed as the service provider receives the images to be digitized from a user at the second location. Ueda et al teaches on Column 35, Lines 37-42 that the service provider is equipped with a film scanner and a flat bed scanner, therefore the operator in the photo-shop scans the image at the second location (photo-shop) using the portable imaging system to produce a digital image; Ueda et al teaches on Column 36, Lines 55-67 and Column 38, Lines 1-9 that the photo-shop operator will take credit card information and order request information from a customer, this is viewed as the service provider receives an order request associated with the digital image from the user. Furthermore, Ueda et al depicts in Figure 9 and teaches on Column 71, Lines 10-50 that if the photo-shop is unable to perform all of the desired imaging services the images can be transmitted to the main photo-finishing center or a truck will arrive at the photo-shop and pickup the images and bring them to the photo-finishing processing center. This is viewed as the service provider providing the digital images to a fulfiller (photo-finishing center) for fulfillment of the order request.

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3: As for Claim 3, Ueda et al teaches on Column 36, Lines 55-67 and Column 38, Lines 1-9 that the photo-shop operator will take credit card information for receiving payment from the user.

4: In regards to Claim 4, Ueda et al teaches on Column 36, Lines 55-67 and Column 38, Lines 1-9 the step of receiving payment from the user is accomplished by inputting credit card information to the portable imaging system.

5: In regards to Claim 8, Ueda et al teaches on Column 1, Lines 26-35 and depicts in Figure 1, 2, and 9 a method of collecting a digitized image, comprising the steps of: Ueda et al teaches on Column 36, Lines 43-60 that a customer will enter a photo-shop with photographs, negatives, and PC memory cards, etc with images on them which they want to be developed. This is viewed as a user providing the digitized image to the service provider at a predetermined location. Furthermore, Ueda et al depicts in Figure 9 and teaches on Column 71, Lines 10-50 that if the photo-shop is unable to perform all of the desired imaging services the images can be transmitted to the main photo-finishing center. This is viewed as the service provider copying the digitized image at the predetermined location (photo-shop) using a portable kiosk and providing the digital images to a fulfiller (photo-finishing center) for fulfillment of the order request.

6: As for Claim 23, Claim 23 is rejected for reasons discussed related to Claim 1.

7: As for Claim 25, Claim 25 is rejected for reasons discussed related to claim 1.

8: Claims 7, 9 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,644,455 Ichikawa.

9: As for Claim 7, Ichikawa depicts in Figure 9 a method of digitizing an image, comprising the steps of: The examiner views the process of moving the rented digital camera from the rental

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item providing machine to the location where the user will capture an image as transporting a portable imaging system from a first location to a second location. Furthermore, The process of capturing an image with the camera at the second location is viewed by the examiner as accessing the image to be digitized at the second location. Ichikawa teaches on Column 7, lines 32-46 that a CCD image sensor camera digitizes a scene when a user captures an image. This is viewed as scanning (the acquired image data out of the CCD sensor) the image at the second location using the portable imaging system (camera) to produce a digital image. Ichikawa teaches on Column 7, lines 43-46 that he captured image is stored in memory (2C) disposed in the portable imaging system (camera); Ichikawa teaches on Column 17, Lines 32-54 and Column 20, Lines 29-40 that after the images are captured the digital camera is returned to the rental item providing machine and the user generates an order request to print the images that were captured. Finally when a user checks out of the hotel the front desk provides the camera user with the desired prints. This is viewed by the examiner as transporting the portable imaging system to the first location (rental item providing machine) for fulfillment of the order request. The fulfillment of the order is viewed as the printing and picking up of the prints.

10: As for Claim 9, Ichikawa depicts in Figure 9 a method of producing a print from a visual image, The examiner views the process of moving the rented digital camera from the rental item providing machine to the location where the user will capture an image as transporting a portable imaging system to a first location; Furthermore, The process of capturing an image with the camera at the first location is viewed by the examiner as receiving a visual image from a user at the first location. Ichikawa teaches on Column 7, lines 32-46 that a CCD image sensor camera digitizes a scene when a user captures an image. This is viewed as scanning (the acquired image

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data out of the CCD sensor) the image at the first location using the portable imaging system (camera) to produce a digital image. Ichikawa teaches on Column 17, Lines 32-54 and Column 20, Lines 29-40 that after the images are captured the digital camera is returned to the rental item providing machine. This is viewed by the examiner as transporting the portable imaging system to a second location remote from the first location; Finally, when a user checks out of the hotel, the front desk provides the camera user with the desired prints. This is viewed by the examiner as providing the digital image to a fulfiller for generation of the print from the digital image at a third location (front desk) remote from the first location; and providing the print to the user.

11: In regards to Claim 16, Ichikawa depicts in Figure 9 a method of producing an image product from an image, comprising the steps of: The examiner views the process of moving the rented digital camera from the rental item providing machine to the location where the user will capture an image as transporting a portable imaging system from a first location to a second location. Furthermore, The process of capturing an image with the camera at the first location is viewed by the examiner as receiving an image from a user at the second location; Ichikawa teaches on Column 7, lines 32-46 that a CCD image sensor camera digitizes a scene when a user captures an image. This is viewed as scanning (acquired image data out of the CCD sensor) the image at the second location using the portable imaging system (camera) to produce a digital image. Ichikawa teaches on Column 20, lines 16-27 that the rented digital camera can be returned to any one of the rental-item providing machines and that the user can get the printed images from any one of the machines. This is viewed by the examiner as transporting the portable imaging system (camera) to a third location (different rental-item machine than the one the camera was rented from) remote from the second location and transmitting the digital image

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from the portable imaging system (camera) to a image producing device disposed at the third location; and producing the image product at the this location.

12: As for Claim 17, Ichikawa teaches on Column 7, Lines 39-50 the digital image is transmitted by electrically connecting the portable imaging system to the image producing device at the third location. Ichikawa teaches that he image data is sent wirelessly to the printing station. This wireless communication is viewed as an electrical connection.

13: In regards to Claim 18, Ichikawa teaches on Column 7, Lines 39-50 the digital image is transmitted by wireless communication.

14: As for Claim 19, Ichikawa teaches that the user can pick up the photographs at the location they returned the camera to. This is viewed as providing the image product to the user.

15: In regards to Claim 20, Ichikawa teaches that instead of the user receiving the prints at the location the camera was returned to, the user can pick up the finished photographs at the front desk of the hotel at check out. This is viewed as providing the image product to the user is accomplished by sending the image product to the user using a third-party delivery service.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16: Claims 6, 10-15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,429,923 Ueda et al.



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17: In regards to Claim 6, Ueda et al teaches a system and method which allows a user to go to a photo-store and give a store operator images, negatives, and memory with images stored on them. Ueda et al further teaches that a store operator will transmit the electronic images to a remote photo-finishing processing facility or call to have a truck from the photo-processing facility come to pickup the images to be processed. Ueda et al further teaches that the clerk in the photo-shop will take down the customers order request information and credit card information for payment. However, Ueda et al is silent as to who receives the payment and does not teach that the service provider (photo-shop) receives a credit from the photo-finishing center for some of the fee associated with producing an image product associated with the order request by agreeing to use the portable imaging system.

Official notice is taken that it was common practice in the art at the time the invention was made for a convenience store which collects film cartridges and the processing facility which the store sends the film cartridges to in order to be developed, split the fee paid by the customer so that both parties can get paid.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to split the fee paid by the customer between the photo-shop and the photo processing facility so that both parties can get paid, and therefore stay in business.

18: In regards to Claim 10, Ueda et al teaches on Column 1, Lines 26-35 and depicts in Figure 1, 2, and 9 a method of digitizing an image provided by a user comprising the steps of: The examiner views the process of a company installing the photographic processing apparatus in a photo-shop as a service provider transporting a portable imaging system to a first location.

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Ueda et al teaches on Column 36, Lines 43-60 that a customer will enter a photo-shop with photographs, negatives, and PC memory cards, etc with images on them which they want to be developed. This is viewed as the service provider receives the images to be digitized from a user at the first location. Ueda et al teaches on Column 35, Lines 37-42 that the service provider is equipped with a film scanner and a flat bed scanner, therefore the operator in the photo-shop scans the image at the first location (photo-shop) using the portable imaging system to produce a digital image; Furthermore, Ueda et al depicts in Figure 9 and teaches on Column 71, Lines 10-50 that if the photo-shop is unable to perform all of the desired imaging services the images can be transmitted to the main photo-finishing center. This is viewed as the service provider providing the digital images to a fulfiller (photo-finishing center) for fulfillment of the order request. Ueda et al teaches on Column 36, Lines 55-67 and Column 38, Lines 1-9 that the photo-shop operator will take credit card information and order request information from a customer, this is viewed as the service provider receives an order request associated with the digital image from the user. However, Ueda et al is silent as to who receives the payment and does not teach that the service provider (photo-shop) receives a credit from the photo-finishing center for some of the fee associated with producing an image product associated with the order request by agreeing to use the portable imaging system.

Official notice is taken that it was common practice in the art at the time the invention was made for a convenience store which collects film cartridges and the processing facility which the store sends the film cartridges to in order to be developed, split the fee paid by the customer so that both parties can get paid.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to split the fee paid by the customer between the photo-shop and the photo processing facility so that both parties can get paid, and therefore stay in business.

19: As for Claim 11, Ueda et al teaches on Column 1, Lines 26-35 and depicts in Figure 1, 2, and 9 a method of producing an image product from an image comprising the steps of:

The examiner views the process of a company installing the photographic processing apparatus in a photo-shop as a service provider transporting a portable imaging system from a first location to a predetermined location (photo-shop); Ueda et al teaches on Column 36, Lines 43-60 that a customer will enter a photo-shop with photographs, negatives, and PC memory cards, etc with images on them which they want to be developed. This is viewed by the examiner as the service provider receiving the image from a user at the predetermined location (photo-shop);

Ueda et al teaches on Column 35, Lines 37-42 that the service provider is equipped with a film scanner and a flat bed scanner. Therefore the operator in the photo-shop scans the image at the predetermined location (photo-shop) using the portable imaging system to produce a digital image; Furthermore, Ueda et al depicts in Figure 9 and teaches on Column 71, Lines 10-50 that if the photo-shop is unable to perform all of the desired imaging services the images can be transmitted to the main photo-finishing center. This is viewed as the service provider providing the digital images to a fulfiller (photo-finishing center) for fulfillment of the order request.

Ueda et al teaches on Column 36, Lines 55-67 and Column 38, Lines 1-9 that the photo-shop operator will take credit card information and order request information from a customer, this is viewed as the service provider receives an order request associated with the digital image from the user. However, Ueda et al is silent as to who receives the payment and does not teach that the

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service provider (photo-shop) receives a credit from the photo-finishing center for some of the fee associated with producing an image product associated with the order request by agreeing to use the portable imaging system.

Official notice is taken that it was common practice in the art at the time the invention was made for a convenience store which collects film cartridges and the processing facility which the store sends the film cartridges to in order to be developed, split the fee paid by the customer so that both parties can get paid.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to split the fee paid by the customer between the photo-shop and the photo processing facility so that both parties can get paid, and therefore stay in business.

20: In regards to Claim 12, The photo-finishing center is viewed by the examiner as the fulfiller.

21: As for Claim 13, Ueda et al depicts in Figure 9 and teaches on Column 71, Lines 10-50 that if the photo-shop is unable to perform all of the desired imaging services the images can be transmitted to the main photo-finishing center. Therefore, the image product is produced at the second location (photo-finishing center) remote from the predetermined location (photo-store).

22: In regards to Claim 14, Ueda et al teaches on Column 35, Lines 37-42 that the service provider is equipped with a film scanner and a flat bed scanner. Therefore the operator in the photo-shop scans the image at the predetermined location (photo-shop) using the portable imaging system to produce a digital image.

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23: As for Claim 15, Ueda et al teaches on Column 36, Lines 43-60 that a customer will enter a photo-shop with photographs, negatives, and PC memory cards, etc with images on them which they want to be developed.

24: In regards to Claim 24, Claim 24 is rejected for reasons discussed related to claim 11.

**25:** Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,644,455 Ichikawa.

26: As for Claim 21, Ichikawa teaches the invention as discussed in Claim 16, however, Ichikawa does not teach that the images can be sending as electronic message to the user.

Official notice is taken that it was common practice in the art at the time the invention was made for photo-processing service providers to e-mail finished images to a users e-mail address so that a user would not be required to pick them up themselves therefore, saving the user time.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the photo-finishing system of Ichikawa to e-mail the digital images to a users e-mail address in order to prevent the user from having to pick them up themselves therefore, saving the user time.

**27:** Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,429,923 Ueda et al in view of US 2003/0097332 Golasinski et al.

28: As for Claim 5, Ueda et al teaches the claimed invention as discussed in Claim 3. Furthermore, Ueda et al teaches that the portable system as depicted in Figure 2 includes a scanner to scan images. Ueda et al teaches that payment can be received by reading a users credit card, however, does not teach that a user can make a payment by scanning a user check using the scanner.

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Golasinski et al teaches in the abstract and on Page 2, Paragraph [0020] that it is advantageous to equip kiosks at remote locations with optical check readers which can scan a users financial institution issued check so that a user can pay using a personal check and therefore, increase the payment options to the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to equip the photo-processing system of Ueda et al with the check scanning system of Golasinski et al so that a user can pay using a personal check and therefore, increase the payment options to the user.

***Allowable Subject Matter***

**29:** Claims 2 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2001/0017652 Sato teaches a photo service system in which users can rent digital cameras and return the digital cameras to a service provider to have the images developed; USPN 6,206,585 Walter teaches a film drop off apparatus in which a user can bring undeveloped images to a service provider location and the service provider will send the images out to be developed by a developer; USPN 5,664,253 Meyers teaches a stand alone photo-finishing apparatus; US 2003/0184820 Han et al teaches the use of a stand alone flat bed scanner that has a built in memory so users can scan images and store the images directly in the scanner; USPN 5,652,936 Klees et al teaches the use of an automated photo-finishing apparatus

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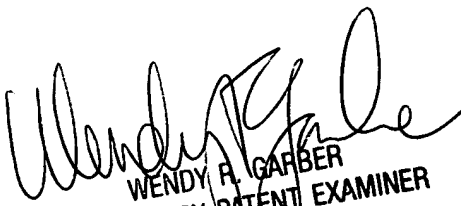
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett  
Examiner  
Art Unit 2612

JMH  
April 14, 2005

  
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